PROB 12 (Rev 3/97)

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Document 23

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) Criminal Action No. <u>1:05CR00073-001 SLR</u>
James Friend)
Defendant)

Petition on Probation and Supervised Release

COMES NOW <u>Carol L. Sain</u> PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of James Friend, who was placed on supervision by the Honorable <u>Sue L. Robinson</u>, sitting in the court at <u>Wilmington</u> on the <u>19th</u> day of <u>December</u>, <u>2005</u> who fixed the period of supervision at <u>three years</u>, and imposed the general terms and conditions theretofore adopted by the court and also imposed special conditions and terms as follows:

- The defendant shall participate in a drug aftercare treatment program which may include urine testing, at the direction and discretion of the probation officer.
- 2 The shall participate in anger management counseling.
- 3. The defendant shall participate in a vocational training program.

It is further ordered that the defendant pay to the United States a special assessment of \$100, which shall be due immediately.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

Please see attached

PRAYING THAT THE COURT WILL ORDER that a warrant be issued for James Friend so that he can be brought before the Court to answer the charges of violating the conditions of his supervised release.

ORDER OF COURT

Considered and ordered this _____ day of April , 2007.

Chief U.S. District Judge

I declare under penalty of perjury the foregoing

is true and correct,

Probation Officer

Place

Wilnfington, Delaware

Date

April 4, 2007

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Mandatory Condition: "The defendant shall not unlawfully possess a controlled substance."

<u>Evidence</u>: On February 9, 2007 the defendant was arrested for trafficking in illegal drugs (heroin), and maintaining a vehicle for keeping controlled substance. According to the police report, the defendant's front pants pocket contained two "bundles," each bundle containing 13 small bags of a substance that field tested positive for heroin.

During an Administrative Hearing on March 30, 2007, James Friend admitted to this officer and Deputy Chief U.S. Probation Officer John Selvaggi that he was in possession of heroin on February 9, 2007. According to the defendant, he purchased the heroin for himself and others for personal use, not for resale. He states he purchased the same brand of heroin on previous occasions from a drug dealer in, Wilmington, Delaware.

Standard Condition #11: "The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by law enforcement officer."

Evidence: Mr. Friend was ticketed by Wilmington Police on March 21, 2007 for driving on suspended/revoked license and a red light violation. He was also ticketed on March 31, 2007 for driving on suspended/revoked license. Mr. Friend failed to report either contact with law enforcement to this officer.